

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

_____)	
N.V.E., INC.,)	Civil No. 2:08-cv-00736-FSH-PS
)	
Plaintiff,)	<u>Civil Action</u>
)	
vs.)	FINAL JUDGMENT AND
)	PERMANENT INJUNCTION
JOSEPH R. DEMELO, NORMA DEMELO,)	ON CONSENT
JOSEPH R. DEMELO & NORMA DEMELO d/b/a)	AS TO DEFENDANT
REZULTZ MARKETING, and ARUN DATWANI,)	ARUN DATWANI
)	
Defendants.)	
_____)	

This matter being brought before the Court by Nicoll Davis & Spinella LLP, Attorneys for Plaintiff N.V.E., Inc. ("Plaintiff" or "NVE"), against Defendant ARUN DATWANI ("Defendant"); the parties having consented to the entry of a Final Judgment and Permanent Injunction on Consent in the form set forth below; and good cause having been shown;

IT IS ON this 2nd day of September 2009;

ORDERED effective immediately that Defendant, his officers, agents, servants, employees, and those persons in active concert or participation with them are permanently enjoined and restrained from:

A. Manufacturing, distributing, offering, selling, advertising, or promoting any goods or service using, referring to, or bearing NVE's company name or any registered or common law trademark owned by NVE, including but not limited to its STACKER 2 mark under U.S. Trademark Reg. No. 2,190,936 and its STACKER 3 mark under U.S. Trademark Reg. No.

2,205,679;

B. Any false advertisements, statements or designation of origin, false description or representation, or other action that causes confusion or deceives anyone into believing that Defendant or Defendant's goods or services are in any way associated, affiliated, or related to Plaintiff or Plaintiff's goods and services;

C. Counterfeiting or infringing upon NVE's trademarks, trade dress, and/or competing unfairly with Plaintiff, injuring its business reputation, or diluting the distinctive quality of its trademarks;

D. Committing any act calculated or likely to cause confusion, deception or mistake as to the affiliation, connection or association of defendants and their goods and Plaintiff or Plaintiff's goods;

E. Purchasing any NVE products from any source for resale or distribution to others;

F. Challenging the validity of NVE's trademarks or trade dress, or voluntarily assisting any other party in challenging either the validity and/or enforceability of Plaintiff's trademarks or trade dress;


And it is further **ORDERED** that Defendant shall:

G. Divulge any and all information within his possession or control concerning adulterated, misbranded, counterfeit and/or infringing goods bearing trademarks or trade dress identical or confusingly similar to those owned by NVE, and cooperate and comply with NVE in its investigations and litigations against third parties regarding same;

And it is further **ORDERED** that:

H. Judgment in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000) shall be entered against Defendant Datwani.

SO ORDERED:



U.S.D.J.
Hon. Faith S. Hochberg

ENTRY OF THE FOREGOING IS CONSENTED TO BY:

NICOLL, DAVIS & SPINELLA LLP
Attorneys for Plaintiff,
N.V.E., Inc.

By: _____

Charles P. Guarino

ARUN DATWANI,
Defendant

By: _____

Arun Datwani